IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION NO : 13 of 1998

Between:

1 Kompally Kistaiah, S/o Latchaiah, Residents of

Mallareddygudem, H/o Survail Village of Narayanapur

Mandal, Nalgonda District.
2 Konda Narsaiah, S/o Ramaiah,
Residents of Mallareddygudem, H/o Survail Village of

Narayanapur Mandal, Nalgonda District.
3 Pandula Muthyaloo, S/o Peddaiah,
Residents of Mallareddygudem, H/o Survail Village of

Narayanapur Mandal, Nalgonda District.

..... PETITIONERS

AND

The Mandal Revenue Officer/ Land Acqusition Officer,
Narayanpur Mandal, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of Certiorari calling for the records of letter B/59/94 dt. 1.10.1997 and quash the same holding it as illegal.

Counsel for the Petitioners: MR.E.ELLA REDDY

Counsel for the Respondent : GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

This writ petition has been filed to quash the proceedings bearing No.B/59/94 dated 1-10-1997 passed by the respondent.

The grievance of the petitioners is that their agricultural land admeasuring Ac.4.20 guntas situate in S.No.491 , 554, and 555 was acquired by the Government for providing house sites to the weaker sections and subsequently an Award was passed on 8-5-95 fixing the compensation at Rs.8,000/- per acre.

According to the petitioners, they were not present at the time when the award was passed. Subsequently, they came to know about the passing of the Award on 15-11-95 only and they received the amount of compensation under protest. Thereafter, they got issued a legal notice on 15-12-1995 requesting the Land Acquisition Officer, who passed the award, to refer the matter to the Civil Court as contemplated under Section 18 of the Land Acquisition Act (for brevity 'the act'). As the Land Acquisition Officer did not refer the matter, they approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Heard the learned counsel on either side.

On the directions issued by this Court, the learned Government Pleader has produced the record pertaining to this case.

It is apparent on the face of the record that the Mandal Revenue Officer through the notice dated 01.08.1995 informed the petitioners that the Award was passed on 8-5-95 and the petitioners were directed to appear before him on 11-8-1995 to receive

the amount of compensation.

In this view of the matter, I am of the opinion that the contention put forth by the petitioners that they were informed about the passing of the Award only on 15-11-95, is not tenable. When once the notice under Section 12 (2) of the Act was issued to the petitioners on 1-8-95, the petitioners are required to seek a reference within two months from that date or service of notice.

Admittedly, in the instant case, the petitioners sought the reference on 15.12.1995, which is beyond the statutory period and therefore, it is contrary to the mandatory requirements of Section 18 (1) of the Act and thus I see no merits in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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13-12-2004

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To

1. The Mandal Revenue Officer/ Land Acqusition Officer,
   Narayanpur Mandal, Nalgonda District.

2. Two CCs to GP for Land Acquisition, High Court buildings, Hyderabad (OUT)

3 Two CD copies.